

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PLAYUP, INC., )  
                    Plaintiff, ) Case No.: 2:21-cv-02129-GMN-NJK  
vs.                 ) )  
                    ) )  
DR. LAILA MINTAS, ) )  
                    Defendant. )  
                    )  
                    )

---

Pending before the Court is the Emergency Motion for Substituted Service of Dr. Laila Mintas, (ECF No. 15), filed by Plaintiff PlayUp, Inc. (“Plaintiff”). For the reasons set forth below, Plaintiff’s Emergency Motion for Substituted Service is **GRANTED**.

## I. BACKGROUND

This action arises from Defendant Laila Mintas’ (“Defendant’s”) purported use of Plaintiff’s confidential information and alleged disparagement of PlayUp, Inc. in violation of Defendant’s employment agreement with Plaintiff (the “Employment Agreement”). (See Compl. ¶¶ 8–10, 14, ECF No. 1).<sup>1</sup>

On December 3, 2021, this Court granted in part and denied in part Plaintiff's Motion for Temporary Restraining Order, (ECF No. 2). (*See* Order, ECF No. 11). This Court specifically ordered Plaintiff to serve a copy of the Order on Defendant by December 6, 2021. (*Id.* 14:11–12). On December 6, 2021, Plaintiff filed a Motion to Extend the Deadlines Issued in the Court's Order because it was unable to properly serve Defendant despite multiple attempts to locate her. (*See* Mot. Extend Time, ECF No. 13). The Court granted Plaintiff's

<sup>1</sup> The parties are familiar with the facts, so the Court will not repeat them here except where necessary to resolve the Motion. (See Order granting in part and denying in part Pl.'s TRO, ECF No. 11).

1 Motion, extending the deadline for service to December 20, 2021. (*See* Order, ECF No. 14).  
2 Plaintiff now files the instant Emergency Motion for Substituted Service, (ECF No. 15).  
3 Specifically, Plaintiff requests the Court authorize it to serve this Court's Order granting in part  
4 and denying in part Plaintiff's Temporary Restraining Order by: (1) mailing a copy of the Order  
5 to 11 Mountain Cove Court, Henderson, NV 89052 (the "Property"); and (2) emailing a copy of  
6 the Order to [dr.laila@mintas.net](mailto:dr.laila@mintas.net) and [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com). (*See* Mot. Substituted Service 6:4–  
7 6, ECF No. 15).

8 **II. LEGAL STANDARD**

9 Under Federal Rule of Civil Procedure 4(e), an individual may be served "following  
10 state law for serving a summons in an action brought in courts of general jurisdiction in the  
11 state where the district court is located or where service is made." *See* Fed. R. Civ. Pro.  
12 ("FRCP") 4(e)(1). Like its federal counterpart, Nevada Rule of Civil Procedure 4.2 permits  
13 service within the state by: (1) personally delivering a copy of the summons and complaint to  
14 the individual; (2) "leaving a copy of the summons and complaint at the individual's dwelling  
15 or usual place of abode with a person of suitable age and discretion who currently resides  
16 therein and is not an adverse party to the individual being served;" or (3) delivering a copy of  
17 the summons and complaint to an authorized agent. *See* Nev. R. Civ. Pro. ("NRCP") 4.2(a); *see*  
18 also FRCP 4(e). Nevada also allows service outside the state and outside the United States. *See*  
19 NRCP 4.3. If, however, the methods of service outlined in NRCP 4.2, 4.3, and 4.4(a) are  
20 unavailable, "the court may, upon motion and without notice to the person being served, direct  
21 that service be accomplished through any alternative service method." *See* NRCP 4.4.(b)(1).

22 **III. DISCUSSION**

23 Plaintiff seeks a court order authorizing alternative service via email. (*See* Mot.  
24 Substituted Service, ECF No. 15). Specifically, Plaintiff argues that its multiple, failed  
25 attempts to locate and serve Defendant demonstrate that the normal methods of service are

1 ineffective and thus, necessitate alternative service to serve Defendant a copy of this Court's  
2 Order granting in part and denying in part Plaintiff's Motion for Temporary Restraining Order.  
3 (*See id.*).

4 Under NRCP 4.4, a party seeking an order for alternative service must: (1) demonstrate  
5 "that the service methods provided in Rules 4.2, 4.3, and 4.4(a) are impracticable"; (2) provide  
6 evidence that "due diligence was undertaken to locate and serve the defendant;" (3) provide  
7 evidence of "the defendant's known, or last-known, contact information"; and (4) state why the  
8 alternative form of service comports with due process. *See* NRCP 4.4(b)(2); *see also Eko*  
9 *Brands, LLC v. Houseware Sols., LLC*, No. 2:20-cv-2076-RCJ-BNW, 2021 U.S. Dist. LEXIS  
10 159616, at \*4 (D. Nev. Aug. 20, 2021); *see also Huang v. Carney*, No. 2:19-cv-00845-GMN-  
11 BNW, 2020 U.S. Dist. LEXIS 3980, at \*7 (D. Nev. Jan. 8, 2020); *see also Gomez v. State*  
12 *Dep't of Bus. & Indus. Rels.*, No. 2:21-cv-01184-GMN-VCF, 2021 U.S. Dist. LEXIS 201074,  
13 at \*2 (D. Nev. Oct. 19, 2021).

14 Here, the Court finds that Plaintiff has met the requirements for alternative service by  
15 email. As to the first prong, Plaintiff demonstrates that it made a good-faith effort to locate and  
16 serve Defendant under NRCP 4.2(a). Between December 2, 2021, and December 3, 2021,  
17 Plaintiff attempted to serve Defendant by personal service at the Property. (*See* Aff. Shanna  
18 Garcia, Ex. 1 to Mot. Substituted Service, ECF No. 15-1); (*see also* Aff. Tanner Trewet, Ex. 2  
19 to Mot. Substituted Service, ECF No. 15-2). Once Plaintiff learned that Defendant no longer  
20 resided at the Property, Plaintiff swiftly retained an investigator on December 4, 2021, to locate  
21 Defendant's whereabouts. (*See* Report, Ex. 3 to Mot. Substituted Service, ECF No. 15-3).  
22 Plaintiff also requested through multiple emails that Defendant send her current address and  
23 location; however, Defendant did not respond to Plaintiff's emails. (*See* Email from Mintas, Ex.  
24 4 to Mot. Substituted Service, ECF No. 15-4); (*see also* Emails between Amirbeaggi and  
25 Mintas, Ex. 5 to Mot. Substituted Service, ECF No. 15-5); (*see also* Emails between Kerr and

1 Mintas, Ex. 7 to Mot. Substituted Service, ECF No. 15-7). Given that Plaintiff does not know  
 2 where Defendant currently resides and further, that there is no applicable statute prescribing a  
 3 specific method of service, the Court finds that Plaintiff has demonstrated that service pursuant  
 4 to NRCP 4.2, 4.3, and 4.4(a) is impracticable.

5 Plaintiff's attempts to locate and serve Defendant, as illustrated above, also show  
 6 Plaintiff's due diligence in attempting to effectuate service. Thus, the Court finds that Plaintiff  
 7 has also met the second prong under NRCP 4.4(b).

8 As to the third prong, Plaintiff provides two, seemingly active, email addresses to  
 9 contact Defendant: [dr.laila@mintas.net](mailto:dr.laila@mintas.net) and [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com). (See Mot. Substituted  
 10 Service 6:4–7). Defendant, as recently as December 9, 2021, responded to emails at her email  
 11 address: [dr.laila@mintas.net](mailto:dr.laila@mintas.net). (See Emails between Kerr and Mintas at 2). Furthermore,  
 12 Defendant confirmed in the Federal Court of Australia that [dr.laila@mintas.net](mailto:dr.laila@mintas.net) is her personal  
 13 address and further provided an additional email address at [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com). (See Decl.  
 14 of Jennifer Hostetler (“Hostetler Decl.”) ¶ 15, Ex. 12 to Mot. Substituted Service, ECF No. 15-  
 15 12).<sup>2</sup> The Court accordingly finds that Plaintiff provides sufficient evidence, through a  
 16 declaration, of Defendant's known, or last known, contact information.

17 Lastly, Plaintiff satisfies the due process requirement under NRCP 4.4(b)(2)(B). An  
 18 alternative method of service comports with due process so long as it is “reasonably calculated,  
 19 under all the circumstances, to apprise interested parties of the pendency of the action and  
 20 afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank &*  
*Trust Co.*, 339 U.S. 306, 314, 94 L. Ed. 865, 70 S. Ct. 652 (1950). In *Huang v. Carney*, the  
 21 Court determined that the plaintiff failed to adequately explain why his proposed method of  
 22 service via email comports with due process. *Huang v. Carney*, No. 2:19-cv-00845-GMN-  
 23

---

25 <sup>2</sup> Plaintiff provided a declaration by its counsel, Jennifer Hostetler, to show that Defendant has two potential  
 26 email addresses.

BNW, 2020 U.S. Dist. LEXIS 3980, at \*9 (D. Nev. Jan. 8, 2020). The plaintiff in *Huang* provided two email addresses. *Id.* The Court, however, found that the plaintiff neither established that the defendant used the email addresses nor tested that the email addresses were valid “by, for example, sending ‘test emails that have not bounced back or returned as undeliverable.’” *Id.*

In this case, the Court is satisfied that Defendant’s email address at [dr.laila@mintas.net](mailto:dr.laila@mintas.net) is a sufficient service method. Plaintiff has established that Defendant used her email address, [dr.laila@mintas.net](mailto:dr.laila@mintas.net), as recently as December 9, 2021. (See Emails between Kerr and Mintas at 2). Furthermore, Plaintiff sent a copy of its Motion for TRO to Defendant at [dr.laila@mintas.net](mailto:dr.laila@mintas.net), and the email did not return as undeliverable. (See Emails from Behanu, Ex. 6 to Mot. Substituted Service, ECF No. 15-6); (Hostetler Decl. ¶ 10). Plaintiff sufficiently demonstrates that serving Defendant via the email address, [dr.laila@mintas.net](mailto:dr.laila@mintas.net), is “reasonably calculated to provide [her] notice and an opportunity to respond.” *Rio Props.*, 284 F.3d at 1017 (citing *Mullane*, 339 U.S. at 314)).

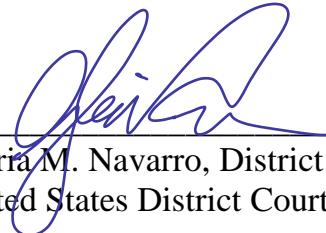
The Court, however, is more concerned with Defendant’s other email address, [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com). Plaintiff relies on a declaration by Jennifer Hostetler, its counsel, to show that Defendant also uses another email to receive service. (See generally Hostetler Decl.). Jennifer Hostetler claims that Defendant indicated, in the Federal Court of Australia, that she has another email address, [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com), and requested the Australian court documents be sent to that address. (*Id.* ¶ 15). Plaintiff, however, has not sufficiently shown that the alternative email address, [dr.mintas@gmail.com](mailto:dr.mintas@gmail.com), is valid. Other than this declaration, Plaintiff has not established that Defendant uses that email address to send or receive communications. Additionally, Plaintiff has not proven that the email address is valid by testing the address, like it did with Defendant’s email address at [dr.laila@mintas.net](mailto:dr.laila@mintas.net). Like the plaintiff in *Huang*, Plaintiff has not demonstrated that Defendant receives emails at this other

1 address. Accordingly, the Court grants alternative service by email to only Defendant's address  
2 at [dr.laila@mintas.net](mailto:dr.laila@mintas.net).

3 **IV. CONCLUSION**

4 **IT IS HEREBY ORDERED** that Plaintiff's Emergency Motion for Substituted Service  
5 of Dr. Laila Mintas, (ECF No. 15), is **GRANTED**. Plaintiff shall serve Defendant Laila Mintas  
6 by email addressed to [dr.laila@mintas.net](mailto:dr.laila@mintas.net) and by mail to 11 Mountain Cove Court, Henderson,  
7 NV 89052.<sup>3</sup> Plaintiff shall serve a copy of the summons, Complaint, the Court's Order  
8 granting in part and denying in part Plaintiff's Motion for TRO, and this Order granting  
9 Plaintiff's Emergency Motion for Substituted Service. Plaintiff shall file proof of service with  
10 the Court within seven (7) days after service is effectuated.

11 **DATED** this 16 day of December, 2021.

12  
13  
14   
15 \_\_\_\_\_  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Gloria M. Navarro, District Judge  
United States District Court

<sup>3</sup> The Court additionally orders that Plaintiff mail a copy of "the summons and complaint, as well as any order of the court authorizing the alternative service method, to" the Property, pursuant to NRCP 4.4(b)(3)(B).